

REMARKS

The Non-Final Office Action dated July 1, 2011 has been received and reviewed. Prior to the present communication, claims 1-30, 32-63, and 65-71 were pending in the subject application. All claims stand rejected. Each of claims 35, 56-63, and 65-67 has been amended herein. Accordingly, claims 1-30, 32-63, and 65-71 remain pending. Support for the amendments may be found in the Specification, at least, at page 2, lines 22-26. Care has been exercised to introduce no new matter. Applicants respectfully request reconsideration of the present Application in view of the following remarks.

Rejections based on 35 U.S.C. § 103

Claims 1-30, 32-63, and 65-71 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,177,931 to Alexander, et al. (hereinafter “Alexander”) in view of U.S. Publication No. 2002/0010928 to Sahota (hereinafter “Sahota”), U.S. Patent No. 6,463,585 to Hendricks, et al. (hereinafter “Hendricks”), and U.S. Patent No. 6,789,077 to Slaughter et al. (hereinafter “Slaughter”). Applicants respectfully submit that the cited references fail to teach or suggest every element of independent claims 1 and 35, as amended herein. Accordingly, Applicants respectfully traverse this rejection.

Independent claim 1, as amended herein, is directed to a system for displaying promotions on a viewing device. Claim 1 recites, in part, separately receive both a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in the display and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule, and wherein **the individually**

addressed transmission schedule that contains control data that specifies a condition for activating the promotion is a unicast message. In other words, the transmission schedule that includes control data specifying a condition for activating the promotion is transmitted to each network device individually using a messaging protocol for a unicast transmission. *See As-Filed Specification*, p. 10, line 28 to p. 11, line 5. The promotions, however, are transmitted using a different messaging protocol for multicast and broadcast transmissions. *Id.*

The Office concedes that each of Alexander, Sahota, and Hendricks fails to teach or suggest that the individually addressed transmission schedule containing control data specifying a condition for activating the promotion is a unicast message. *See Non-Final Office Action dated 07/01/2011*, p. 4.

Slaughter fails to overcome this deficiency. Slaughter is generally directed to a system and method for searching for Internet-based repositories within a distributed computing environment. *See e.g.*, Slaughter, Abstract. In particular, Slaughter describes interacting with a search service to find spaces for storage and/or retrieval of data. *Id.* The search service may obtain a service advertisement for each of the resulting spaces. *Id.* The search service may send the search results, including the advertisements, to the client. *Id.*

Slaughter briefly describes a unicast messaging protocol at column 40. The unicast messaging is used to discover a space manager at a known address on the network (the Internet). *See id.* at col. 40, lines 30-41. The unicast discovery message may include a request for a space service at a known URI to provide its service advertisement. *Id.* In other words, the unicast messaging is described in terms of discovering spaces and requesting advertisements. This is in no way a *transmission schedule that includes conditions for activating promotions*, as recited in independent claim 1. Claim 1 clearly recites that the unicast message is a transmission

schedule that contains control data specifying a condition for activating a promotion. Slaughter, however, is simply a unicast message that requests an advertisement within a space. *Id.* Applicants fail to see how a general unicast message that is in no way a transmission schedule that contains control data specifying a condition for activating a promotion, as in Slaughter, renders claim 1 obvious. Applicants respectfully submit that as Alexander, Sahota, and Hendricks each fail to teach or suggest this feature, Slaughter certainly cannot overcome the deficiency by generally teaching the use of unicast messaging.

As such, Applicants respectfully submit that independent claim 1, as currently amended, is not obvious over Alexander in view of Sahota, Hendricks, and Slaughter. Thus, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of independent claim 1 be withdrawn. Each of claims 2-30, 32-34, and 68-70 depend, either directly or indirectly, from independent claim 1. Thus, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2-30, 32-34, and 68-70 is respectfully requested for at least the above-cited reasons. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

Independent claim 35, as amended herein, is directed to a method for displaying targeted promotions on a viewing device. The method includes, in part, receiving a promotion and a transmission schedule, wherein the transmission schedule contains control data that specifies a first condition for activating the promotion for display on the viewing device and the transmission schedule is received as a unicast message that is individually addressed to the viewing device such that the unicast message is unique to the viewing device and a second viewing device receiving the same promotion receives a second transmission schedule as a second unicast message including a second condition for activating the same promotion, where

the second condition is different than the first condition. In other words, transmission schedules are unique to network devices so even if two network devices receive the same promotion, the promotion may be activated at each network device under different conditions.

The Office concedes that each of Alexander, Sahota, and Hendricks fails to teach or suggest receiving a promotion and a transmission schedule that is a unicast message and individually addressed to the network device. *See Non-Final Office Action dated 07/01/2011*, p. 16-17. As such, Applicants respectfully submit that each of Alexander, Sahota, and Hendricks cannot teach or suggest “the transmission schedule is received as a unicast message that is individually addressed to the viewing device such that the unicast message is unique to the viewing device and a second viewing device receiving the same promotion receives a second transmission schedule as a second unicast message including a second condition for activating the same promotion, where the second condition is different than the first condition.”

Slaughter fails to overcome this deficiency. As previously explained, with reference to claim 1, Slaughter fails to teach or suggest a transmission schedule that is received as a unicast message and that contains control data specifying a condition to activate a promotion. Applicants further submit that as Slaughter fails to teach or suggest transmission schedule that is received as a unicast message and that contains control data specifying a condition to activate a promotion, it cannot teach or suggest the transmission schedule is received as a unicast message that is individually addressed to the viewing device such that the unicast message is unique to the viewing device and a second viewing device receiving the same promotion receives a second transmission schedule as a second unicast message including a second condition for activating the same promotion, where the second condition is different than the first condition, as recited in amended claim 35. Slaughter does not, at any point, disclose

customizing unicast messages for network devices such that the same promotion may be activated with different conditions.

As such, Applicants respectfully submit that independent claim 35, as currently amended, is not obvious over Alexander in view of Sahota, Hendricks, and Slaughter. Thus, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of independent claim 35 be withdrawn. Each of claims 36-63, 65-67, and 71 depend, either directly or indirectly, from independent claim 35. Thus, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 36-63, 65-67, and 71 is respectfully requested for at least the above-cited reasons. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

CONCLUSION

For at least the reasons stated above, claims 1-30, 32-63, and 65-71 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or asturgeon@shb.com (such communication via email is herein expressly granted) – to resolve the same.

It is believed that no fee is due. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112 with reference to Attorney Docket Number 325520.02/MFCP.143798.

Respectfully submitted,

/ASHLEY N. STURGEON/

Ashley N. Sturgeon
Reg. No. 64,819

ANLZ/jc
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550